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S M I T H | V I L L A Z O R

September 10, 2021

VIA ECF

The Honorable John G. Koeltl
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Hayes, et al.*, 20 Cr. 500 (JGK)

Dear Judge Koeltl:

We represent Defendant Benjamin Delo and respectfully submit this letter on behalf of Mr. Delo and Defendants Arthur Hayes and Samuel Reed, whose counsel are copied on this letter.

Pursuant to the Court's order of May 11, 2021, ECF No. 71, Defendants are submitting a motion for a bill of particulars pursuant to Federal Rule of Criminal Procedure 7(f). The full set of motion papers will be delivered to Chambers in both hard copy and electronic form.

Having conferred with the government pursuant to Rule VI.A.2 of the Court's Individual Practices, we respectfully seek leave from the Court to file this motion under seal at the present time because the supporting memorandum of law, declaration in support, and exhibits include materials the government has designated "Confidential" pursuant to the protective orders that have been entered in this case. ECF Nos. 23, 41, 55. The parties will confer on proposed redactions.

We are available at the Court's convenience to discuss any questions. Thank you.

Respectfully submitted,

/s/ Patrick J. Smith

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Cc: James J. Benjamin, Jr. (counsel for Arthur Hayes)
Douglas K. Yatter (counsel for Samuel Reed)
Benjamin Naftalis (counsel for Samuel Reed)
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